

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
LARRY GRIBLER, suing both individually and as:
controlling shareholder of THREE AMIGOS SJL INC.:
d/b/a CHEETAHS GENTLEMENS CLUB &:
RESTAURANT, :

Plaintiff, :

-against- :

SHIRELL WEISBLAT a/k/a SHIRELL WEISBLAT, :
CHARLES WEISBLAT, CHARLIE CASANOVA, INC. :
SELIM ZHERKA a/k/a SAM ZHERKA, STEVE :
ASLAND, a/k/a MEHLER & BUSCEMI. :

Defendants. :
----- X

Index No.: 1:2007cv11436

AFFIDAVIT OF
A. MICHAEL FURMAN, ESQ.

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

ARIEL MICHAEL FURMAN, being duly sworn, hereby deposes and says:

1. I am a member of the law firm of KAUFMAN, BORGEESE & RYAN, LLP attorneys for Defendant Mehler & Buscemi (hereinafter "the Movant") in the above-captioned matter, and am fully familiar with the facts and circumstances therein.

2. This Affidavit is submitted in support of the instant motion on behalf of the Movant, which seeks an Order pursuant dismissing plaintiff's Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on the grounds that: (a) Plaintiff has failed to plead and/or establish that Mehler & Buscemi was the proximate cause of any actual and ascertainable damages; (b) the plaintiff seeks relief that the Movant cannot

provide; (c) the plaintiff has failed to set forth a claim of fraud and/or conspiracy to commit fraud; and (d) the plaintiff has failed to establish an entitlement to punitive damages, as a matter of law. The Movants further seek the dismissal pursuant to Federal Rule 9(b) as plaintiff has failed to plead their claim for conspiracy to commit fraud with requisite particularity.

3. Attached hereto as Exhibit "1" is a true and accurate copy of the plaintiffs' Summons and Complaint.

4. Attached hereto as Exhibit "2" is a true and accurate copy of the Corporate Filing Receipt for Three Amigos SJL INC. dated December 11, 2006 (the "Filing Receipt").

5. Attached hereto as Exhibit "3" is a true and accurate copy of an Agreement between Larry Gribler, Shirell Weisblat and Jon Von Okenfus dated July 1, 2005.

6. Attached hereto as Exhibit "4" is a true and accurate copy of a letter from Community Board 5 to the New York State Liquor Authority dated July 15, 2005.

7. Attached hereto as Exhibit "5" is a true and accurate copy of a New York State Liquor Authority "Personal Questionnaire" signed by Larry Gribler and dated May 16, 2006.

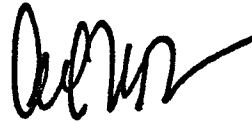
8. Attached hereto as Exhibit "6" is a true and accurate copy application for a cabaret license signed by Larry Gribler dated January 22, 2007.

9. Attached hereto as Exhibit "7" is a true and accurate copy of the Amended Application for a New York State Liquor license dated May 30, 2007.

10. Attached hereto as Exhibit "8" is a true and accurate copy of letter from Paul J. Giacomo to Mehler & Buscemi dated June 4, 2007.

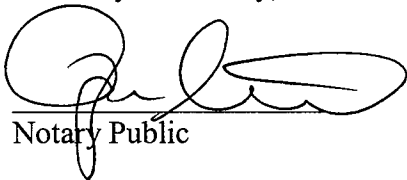
11. Attached hereto as Exhibit "9" is a true and accurate copy of letter from Paul J. Giacomo to Mehler & Buscemi dated August 28, 2007

12. Accordingly, and based upon the arguments more fully set forth in the accompanying Memorandum of Law, Your Affiant respectfully request that the instant action be dismissed, together with all costs and expenses, and such other and further relief as this Court deems just and proper.



A. MICHAEL FURMAN, ESQ.

Sworn to before me this
22nd day of January, 2008



Notary Public

LYNN M. DUKETTE
NOTARY PUBLIC, State of New York
No. 02DU6145460
Qualified in Westchester County
Commission Expires 05/08/20 10

2002/002

006 SUN 12:09 FAX 2124821393

Y. S. DEPARTMENT OF STATE
VISION OF CORPORATIONS

ALBANY, NY 12231-0001

FILING RECEIPT

TITY NAME : THREE AMIGOS SJL, INC.

CUMENT TYPE : ASSUMED NAME CERTIFICATE

RVICE COMPANY : +++ NO SERVICE COMPANY +++

CODE:

LED: 12/11/2006

CASH#: 170652

FILM#: 20061211065

INCIPAL LOCATION

2 WEST 43RD STREET.
NEW YORK

10036

COMMENT:

ASSUMED NAME

HEETAHS GENTLEMENS CLUB & RESTAURANT

* FEES	135.00	PAYMENTS:	135.00
* ----			
* FILING :	25.00	CASH :	
* COUNTY :	100.00	CHECK :	135.00
* COPIES :	10.00	C CARD :	
* MISC :	.00		
* HANDLE :	.00		
* ----		REFUND:	
* ----			

FILER:

THREE AMIGOS SJL, INC.
C/O STEVEN S. SIERATZKI,
40 EXCHANGE STREET, SUITE 1800
NEW YORK NY 10005

AGREEMENT

WHEREAS, Jon Von Okenfus, Larry Gribler, and Shirell Weisblat wish to develop and operate a Cabaret club at 252 w. 43rd Street, N.Y., N.Y. (the "Premises");

WHEREAS, they have created Three Amigos SJJ Inc, for that purpose (the "corporation");

THEREFORE, in consideration of mutual promises, assertions and covenants here in stated and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties to this agreement hereby agree to the following terms and conditions

1. Jon Von Okenfus and Larry Gribler will invest into Three Amigos SJJ Inc.'s checking account all sums and proceeds needed to: (1) Construct and develop a first class club at the Premises; including but not limited to all sums needed to pay Michael Bergos, as provided for the agreement dated July 1, 2005 between Three Amigos SJJ, Inc. and Michael Bergos; all engineering and architectural costs and expenses; (2) Purchase and install audio and video system; (3) Pay all legal, accounting and other professional cost and expenses which may be incurred to develop the Premises so that it can be operated as a club and to effectuate the assignment of the Lease dated November 9, 1998 between Alphonse Hotel Corp, as Lessor, and 76 Corp, as Lessor, to Three Amigos SJJ Inc.

2. CHARLIE CASANOVA INC. will supervise the construction and development of the club as well as its operation once the club opens for business.

3. After the club opens for business the profits of the business, after expenses, shall be used to pay back the sums of money Jon Von Okenfus and Larry Gribler advanced to the Corporation as provided for in paragraph 1 hereinabove.

4. ~~Expenses shall not include any salary or compensation paid to Jon Von Okenfus, Larry Gribler or Shriell Weisblat~~ JVO Lm JB.

5. CHARLIE CASANOVA INC. will be authorized, on behalf of the Corporation, to enter into all contracts and agreement necessary to develop and operate the club.

6. After the Corporation pays back the sums of money advanced by Jon Von Okenfus and Larry Gribler, the profits of the Corporation shall be distributed as follows:

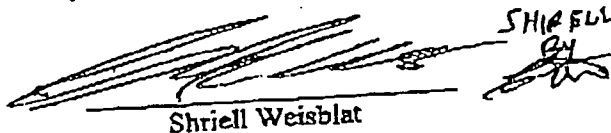
33 1/3% To Jon Von Okenfus

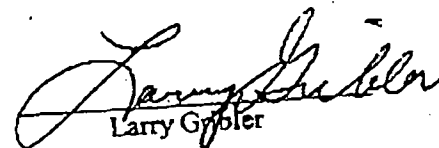
33 1/3% To Larry Gribler

33 1/3% To Shriell Weisblat

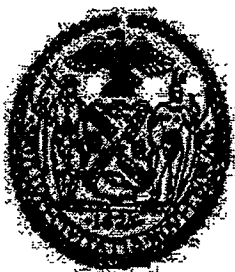
Dated: New York, New York
July 1, 2005


Jon Von Okenfus


Shriell Weisblat


Larry Gribler


Charlie Casanova Inc.



MANHATTAN COMMUNITY BOARD FIVE

450 Seventh Avenue, Suite 2109

New York, NY 10123-2199

(212) 465-0907

fax: (212) 465-1628

office@cb5manhattan.org

David Diamond, *Chair*

Gary Parker, M.S.W., *District Manager*

July 15, 2005

Hon. Edward J. Kelly
Commissioner
NYS Liquor Authority
84 Holland Avenue
Albany, NY 12208

Re: 252 West 43rd Street, Three Amigos SLL, Inc. - Application for transfer of liquor license

Dear Commissioner Kelly:

At the regularly scheduled monthly meeting of Community Board Five on Thursday, July 14, 2005, the Board passed the following resolution recommending approval by a vote of 21 in favor, 4 opposed; 2 abstaining:

WHEREAS, Three Amigos SLL, Inc., is applying to the SLA to transfer the liquor license from Club New York, located at 252 West 43rd Street; and

WHEREAS, The former occupant, Club New York, had for several years been the scene of numerous disturbances, noise, crowds on the streets, unruly behavior, and a shooting involving a famous celebrity; and,

WHEREAS, At Community Board Five's Public Safety/Quality of Life Committee meeting held on September 7, 2004 and again on July 11, 2005, regarding this matter, the owner, Steve Aslan, described the concept for the establishment as a "Gentlemen's Club and Restaurant" aka topless bar that will be operated as a 60/40 club in accordance with New York City's Adult Entertainment Zoning regulations; and

WHEREAS, Mr. Aslan is known to Community Board Five as the proprietor for seven years of the VIP Lounge, a similar type of club located on West 20th Street between 5th and 6th Avenues, which has received support from the residents of that area since it was widely stated that VIP was operated without any negative effects on the community in contrast to the many other unruly night clubs located there; and

WHEREAS, Mr. Aslan has indicated that the target market will be primarily an upscale clientele including professionals and business executives, and there will be a dress code; and

WHEREAS, The main room for entertainment will be located in the rear, and the remainder of the space will consist of a high-end restaurant and a waiting area with a bar and private dining area, the hours of operation will be from 5p.m. to 4a.m., six days per week (closed Sundays), and there are plans to eventually open for lunch, and the occupancy of the club will be between 250-300 people, in contrast to often more than 1,000 at Club New York; and

WHEREAS, There is a parking lot on either side of the premises; and

WHEREAS, The applicant was sympathetic to the questions and suggestions raised by the members of the Public Safety/Quality of Life committee and the Security Director of the Times Square Hotel located directly across the street, and has agreed to undertake the following ameliorative measures to prevent the nuisance conditions that prevailed at this location in the past:

www.cb5manhattan.org

Mar. 30 2006 12:45PM P2

FAX NO. :

FROM :

- There will be no rope line on the sidewalk outside the club and applicant's security personnel will discourage patrons from congregating outside
- There will be no flyers distributed outside the club and the area surrounding the premises will be kept clean
- Applicant agrees to work cooperatively with the security personnel from the Times Square Hotel and will provide his personal telephone number to the security director of the hotel so that instant communication can be established if necessary
- Signage on the exterior of the premises will be muted, there will be no flashing lights and the only sign will be the name of the club
- Security personnel will assist patrons in hailing cabs; and

WHEREAS, based on the above-enumerated steps agreed to by the applicant and based on the applicant's track record of working cooperatively with Community Board Five; therefore be it

RESOLVED, That Community Board Five recommends approval of the transfer of the liquor license from Club New York to Three Amigos SLL, Inc.

Thank you for the opportunity to comment on this matter.

Sincerely,



David Diamond
Chair



Ylidi Barbora
Chair, Public Safety & Quality of Life Committee

Attachment: Affidavit

Cc:

Hon. C. Virginia Fields
Hon. Thomas Duane
Hon. Liz Krueger
Hon. Richard Gottfried
Hon. Steven Sanders
Hon. Deborah Glick

Hon. Jonathan Bing
Hon. Christine Quinn
Hon. Margarita Lopez
Hon. Eva Moskowitz
Hon. Gale Brewer

www.cb5manhattan.org

Mar. 30 2006 12:47PM P3

PRX NO. :

FROM :

SECTION M

PERSONAL QUESTIONNAIRE

- ♦ All principals to the license application must complete this questionnaire in full. ♦ Make duplicate blank forms as necessary.
♦ Answer all questions below. ♦ Attach additional sheets if more space is needed.

NAME OF APPLICANT: _____

1. Statement of Identification

Print YOUR name: <u>LARRY GRIbler</u>		Date of birth: <u>JANUARY 6, 1946</u>
Residence street address of above: <u>12 GREEN FARMS Rd.</u>		Social Security number: <u>140-36-8886</u>
County: <u>SUSSEX</u>		E-mail address:
City, State, Zip: <u>ANDOVER, New Jersey 07821</u>		Telephone number (residence): <u>973-786-5688</u>
U.S. citizen? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	If NOT U.S. citizen - country of citizenship: _____	
If Alien, registration # or Visa type: _____		
List any other names that you have been known by (including maiden name): <u>N/A</u>		

Height <u>5' 11"</u>	Hair Color <u>BLACK</u>	Marital Status <u>MARRIED</u>
Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Eye color <u>Brown</u>	Spouse Name <u>MARILYN</u>
Weight <u>194</u>		Spouses Social Security #: <u>143-42-9416</u>

2. Residences for the past TEN years. (If more space is required, attach additional sheets):

Address <u>12 Green Farms Rd.</u>	From (month/year) To (month/year)
<u>ANDOVER, New Jersey 07821</u>	

3. Your occupation for the past TEN years. (If more space is required, attach additional sheets).

From/To (month/year)	Employer	Address	Type of Business	Position
<u>30y</u>	<u>Self Employed</u>	<u>347 S. Salem ST.</u>	<u>RESTAURANT/</u>	<u>MANAGER.</u>
	<u>Owner / MANAGER</u>	<u>DOVER, N.J. 07801</u>	<u>Club</u>	

4. Position (or interest) you will hold in the license application (check each):

<input checked="" type="checkbox"/> President	<input type="checkbox"/> Director	<input checked="" type="checkbox"/> Manager
<input checked="" type="checkbox"/> Vice President	<input type="checkbox"/> Stockholder	<input checked="" type="checkbox"/> Lender
<input checked="" type="checkbox"/> Secretary	<input checked="" type="checkbox"/> Partner	<input type="checkbox"/> Donor
<input type="checkbox"/> Treasurer	<input type="checkbox"/> General Partner	<input type="checkbox"/> Guarantor
<input type="checkbox"/> Chairman	<input type="checkbox"/> Limited Partner	<input type="checkbox"/> LLC Manager
<input type="checkbox"/> Officer	<input type="checkbox"/> Sole Proprietor	<input type="checkbox"/> LLC Member
<input type="checkbox"/> OTHER _____		

5. LICENSE HISTORY / AFFILIATIONS

Section M

If you are an applicant (i.e.: proprietor, partner, stockholder, officer or director) or applicant's spouse, will you continue your present occupation or business?

☒ YES☐ NO

If YES, list hours you will devote to business sought to be licensed:

5 Days weekly approx 8hr per day.

Will you take an active part in the operation of the business to be licensed?

☒ YES☐ NO

If YES, explain nature of activity (hours, day, week):

Go To Bank, Set up registers, DO Book keeping, pay Bills, order liquor, DO minor repairs, 5 Days per weeks. 4 P.M. to 4 A.M. hrs.

Do you have any interest, direct or indirect, in any premises currently licensed by the Liquor Authority or business where any alcoholic beverage is manufactured, transported or sold at wholesale or retail whether by stock ownership, interlocking directors, mortgage or lien on, or ownership of any real or personal property, or by any other means including loans?

☐ YES☒ NO

If YES, provide information below:

Business Name	Business Address	Date Interest Began	Liquor License No.

Other than as itemized in the above, have you ever applied in New York State, or Anywhere for a license or permit to traffic in alcoholic beverages, including Any application as a partnership or corporation in which you are/were a principal?

☐ YES☒ NO

If YES, provide information below:

Name of applicant	Address of premises	Date of filing	License No.	Disposition

Has a license or permit listed above been REVOKED, CANCELED Or otherwise Involuntarily Terminated?

☐ YES☒ NO

If YES, state action and date of action, and give details:

Are you a police commissioner, other police official, subordinate of any police Department, a Sheriff, Deputy, Under-Sheriff or any Peace Officer?

☐ YES☒ NO

If YES, provide details?

6. CONVICTION RECORD & PENDING CRIMINAL CASES

Section M

- (a) Have you or your spouse (or any officer, director, shareholder or partner listed in this application or the spouse of such person) been convicted of a crime addressed by the provisions of Section 126 of the ABC Law (see instructions for statutory disqualification) which would forbid a person to traffic in alcoholic beverages?

☐ YES☒ NO

If YES, supply details (attach additional pages as necessary):

- (b) Have you or your spouse (or any officer, director, shareholder or partner Listed in this application or the spouse of such person) ever been CONVICTED (including pleas of guilty or suspended sentences of any felony, misdemeanor (including driving while intoxicated or impaired) or any other type of offense EXCEPT MINOR TRAFFIC INFRACTIONS?

☐ YES☒ NO

- (c) If YES, attach a **Certificate of Disposition** by the court clerk for each case And a Certificate of Relief from disabilities if available and submit an Affidavit explaining all details. If you have reported all convictions to this Authority and were subsequently approved for a license, check here:

Approved: _____

- (d) Are there any **ARRESTS, INDICTMENTS or SUMMONSES** other than minor traffic infractions PENDING against you or your spouse (or any officer, director, shareholder or partner listed in this application or the spouse of such person) – including driving while intoxicated or impaired?

☐ YES☒ NO

- (e) IF YES, PROVIDE COPY OF ACCUSATORY INSTRUMENT.

- (f) If you are an applicant (i.e. proprietor, partner, stockholder, officer or Director), would any of the above questions require a YES answer if asked of your spouse?

☐ YES☒ NO**7. INFORMATION CONCERNING AVAILABILITY OF PREMISES**

Explain how you became aware of the availability of the proposed premises.

A friend told me it was available

Section M

8. FINANCES

IMPORTANT: Submit any and all records, documents and affidavits that you feel may assist you in explaining the source of monies you will provide the applicant as per instruction sheet.

State **TOTAL AMOUNT OF MONEY** you are providing the applicant: \$ _____

Type of Investment (Investment Loan, Contract Debt)	Type of Investment Dollar (\$) Amount	Source of Funds (Accounts, Loans, Gifts, Asset Sales, etc.) (enter identification numbers for accounts)

If you are guaranteed a loan as a co-signer or putting up something of value as collateral.

Identify Co-Signer or Collateral

Identify Loan/Describe Collateral

I understand that the information I submit will be relied upon by the State Liquor Authority and a false statement or misrepresentation will constitute cause for the disapproval of the application or revocation of any license for which this application is submitted.

I verify that statements made herein are true and if any change occurs prior to the receipt of the license, I will notify the Authority by registered or certified mail within 48 hours or if change occurs after the receipt of the license, I will notify the Authority similarly within 10 days. I understand that failure to give the required notice will violate the Alcoholic Beverage Control Law and may result in revocation of the license.

Signature of Applicant

Date

5/16/06

SECTION 2 - SOLE PROPRIETOR

Last Name	First Name	M.I.
Home Address (Street, City, State, Zip Code)		
Business' Trade or Doing-Business-As (DBA) Name, if applicable. This must be exactly as filed with the County Clerk.		
Social Security Number (MANDATORY)		
<div style="border: 1px solid black; display: inline-block; width: 30px; height: 20px;"></div> <div style="border: 1px solid black; display: inline-block; width: 30px; height: 20px;"></div> <div style="border: 1px solid black; display: inline-block; width: 30px; height: 20px;"></div> <div style="border: 1px solid black; display: inline-block; width: 30px; height: 20px;"></div> - <div style="border: 1px solid black; display: inline-block; width: 30px; height: 20px;"></div> <div style="border: 1px solid black; display: inline-block; width: 30px; height: 20px;"></div> <div style="border: 1px solid black; display: inline-block; width: 30px; height: 20px;"></div> <div style="border: 1px solid black; display: inline-block; width: 30px; height: 20px;"></div>		

SECTION 3 - CORPORATIONS AND PARTNERSHIPS

The information requested below must be provided for each stockholder owning 10% or more of the company's stock, and all corporate officers and partners. If 10% or more of the company's stock is owned by a corporation or partnership, the same information required here for the applicant must be provided for each corporation or partnership, along with that entity's Certificate of Incorporation or Certificate of Partnership, as appropriate. Attach additional sheets if necessary.

Company Name Three Amigos SJL Inc.		
CORPORATE OFFICERS, PARTNERS AND STOCKHOLDERS		
Last Name GRIBLER	First Name LARRY	M.I.
Title President	Social Security Number* 1 4 0 - 3 6 - 8 8 8 6	% Stock Owned 66 2/3%
Home Address (Number and Street) 12 Green Farms Road	City and State Andover, NJ	Zip Code 07821
Last Name WEISBLAT	First Name SHIRELL	M.I.
Title Secretary	Social Security Number* 0 5 5 - 7 2 - 3 3 4 6	% Stock Owned 33 1/3 %
Home Address (Number and Street) 1385 York Avenue	City and State New York, New York	Zip Code 10021
Last Name ASLAND	First Name STEVEN	M.I.
Title Manager	Social Security Number* 1 1 5 - 5 6 - 0 7 2 6	% Stock Owned 1%
Home Address (Number and Street) 2900 Milton Place	City and State Bronx, New York	Zip Code 10465
Last Name	First Name	M.I.
Title	Social Security Number* - - - - -	% Stock Owned
Home Address (Number and Street)	City and State	Zip Code

* The disclosure of Social Security numbers here is voluntary. This information is being requested to enable the City of New York to maintain and update City databases.

SECTION 4 - ALL APPLICANTS

The following questions must be answered on behalf of all persons (including individuals, corporations, and partnerships) named anywhere on this application. If the answer for any one of those persons is YES, the question must be answered YES. Use extra paper if necessary. IF YOU ANSWER YES TO ANY OF THESE QUESTIONS, SUBMIT A SIGNED EXPLANATION AND ATTACH ALL RELEVANT DOCUMENTS.

1. Has any person named on this application **ever been licensed** by the New York City Department of Consumer Affairs (DCA)? ☐ YES ☒ NO

If **yes**, provide the license number(s) involved. _____

2. Has any person named on this application **ever been an officer, director, shareholder or partner** of an entity licensed by DCA? ☐ YES ☒ NO

3. Is any individual named on this application **related by blood or marriage** to any individual who is, or who ever has been, licensed by DCA, who serves, or who ever has served, as an officer, director, or partner in an entity licensed by DCA, or who serves, or has ever served, as an officer, director, shareholder or partner in an entity licensed by DCA? ☐ YES ☒ NO

4. Has any person named on this application **ever had a DCA license denied, suspended, or revoked?** ☐ YES ☒ NO

If **yes**, provide the license number(s) involved. _____

5. Has any person named on this application been **found guilty of any crime or offense** (conduct, whether criminal or civil, punishable with a term of imprisonment or a fine by a governmental agent or agency)? ☐ YES ☒ NO

If **YES**, include convictions for which you might have been imprisoned or fined even if, in fact, you only had to perform community service or were put on probation. **Do not include** situations in which you were determined to be a juvenile delinquent, youthful offender, wayward minor, or person in need of supervision. (See **NOTE** below.)

6. Is there **any kind of criminal charge whatsoever** pending against any person named on this application? ☐ YES ☒ NO

7. Is there **any civil charge** (including an administrative charge) pending against any person named on this application that relates to a business engaged in by that person? ☐ YES ☒ NO

8. Is there any DCA-issued Notice of Violation, Notice of Hearing, Summons, Padlock Order, or Other Order now in effect and/or pending against any person named on this application? ☐ YES ☒ NO

If **YES**, include all DCA-imposed obligations to pay fines or restitution that have not been satisfied in full.

9. Has any court rendered a judgment against any person named on this application or any business operated by such a person **for activity related to the conduct of a business?** ☐ YES ☒ NO

10. Is there any judgment against any person named on this application or any business operated by such a person for activities relating to such a person's business and that **has not been paid in full for thirty days or more?** ☐ YES ☒ NO

NOTE: A conviction does not, by itself, mean you will not get a license. Factors such as the nature and seriousness of the offense, the amount of time that has passed since the conviction, and your age at the time of the conviction, will be considered. However, your license may be denied if you fail to disclose a conviction in response to this question.

I have received a copy of the laws and regulations relating to the license for which I am applying. If granted this license, I promise that the licensee will comply with the applicable law and the rules of the DCA that are now in force, and those that are enacted in the future.

I understand that my application for a license with the Department of Consumer Affairs is incomplete and that I may not operate until an actual license document has been issued.

PENALTY FOR FALSIFICATION: Lying on this application is a crime punishable by a fine, imprisonment, or both. A fine for each false statement, as high as \$500, may be imposed by DCA. In addition, each false statement is punishable by a fine as high as \$1000 if prosecuted criminally.

Larry Gribler President
Applicant's Signature Applicant's Title (if any)

Larry Gribler 1/22/07
Print Full Name Date

IF YOU ARE NOT REGISTERED TO VOTE, WOULD YOU LIKE TO REGISTER HERE TODAY? ☐ YES ☐ NO

WHETHER YOU APPLY TO REGISTER TO VOTE OR NOT, IT WILL NOT AFFECT THE ASSISTANCE DCA WILL PROVIDE TO YOU.

IF YOU WISH, WE WILL HELP YOU IN FILLING OUT THE VOTER REGISTRATION APPLICATION.

FOR OFFICE USE ONLY	
PROCESSING THE APPLICATION	
1a. Are there any unpaid fines?	<input type="checkbox"/> YES <input type="checkbox"/> NO
1b. If yes, is there a clearance letter attached?	<input type="checkbox"/> YES <input type="checkbox"/> NO
2a. Was a 10 day letter issued?	<input type="checkbox"/> YES <input type="checkbox"/> NO
2b. If yes, give reason ↓	
Processor's Signature ↓ <input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING Date ↓	
ADMINISTRATIVE DISPOSITION	
Application Status → <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED Date →	
Processor's Signature	
FINGERPRINTS	Number of fingerprints taken for one application
Date fingerprints were taken	
Fingerprints were taken by (Counter staff's name)	



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY
www.abc.state.ny.us

Eliot Spitzer
Governor

317 Lenox Avenue
New York, New York 10027

Chairman
Daniel B. Boyle

SERIAL NUMBER: 1179036
05/30/2007 11:28 AM

Commissioner
Noreen Healey

RECEIPT NUMBER: 971081518

THREE AMIGOS SJL INC
252 W 43RD STREET
NEW YORK, NY 10036

Thank you for submitting your application to the New York State Liquor Authority. We will be processing your application. If you have any questions, please reference your application with the following seven digit serial number: 1179036

The following fees were received with your application:

Serial#	Description	Amount
1179036	CORPORATE CHANGE	128.00
Total		128.00

Sincerely yours,

Fred J. Gioffre, Deputy Commissioner

MEHLER & BUSCEMI
ATTORNEYS AT LAW

305 BROADWAY • NEW YORK, N.Y. 10007-2082
(212) 962-4688
TELECOPIER (212) 964-0643

FRANCIS R. BUSCEMI
MARTIN P. MEHLER

May 30, 2007

License Bureau
State Liquor Authority
316 Lenox Avenue
New York, NY 10027

Re: Three Amigos SJL Inc
525 W. 43rd Street
New York, New York 10036
Serial No. New York OP 1179036

Dear Ladies/ Gentlemen:

Enclosed please find an application for a corporate change for the above listed licensee. Please note that Selim Zherka is currently licensed at West 20th Enterprises Corp., located at 20 W. 20th Street, New York, NY. with license number 1179036 and therefore does not need to submit a fingerprint card.



If there are any further questions please contact the undersigned



Thanking you for your courtesy in this matter, I am

Very truly yours,

MARTIN P. MEHLER

MPM:mm
Enc.

ABCZ CORP. 251 NORTH AVE NEW ROCHELLE, NY 10801		50-791/214 2224509816 DATE <u>5-23-07</u>	2081
PAY TO THE ORDER OF	<u>State Liquor Authority</u> <u>One hundred Twenty Eight</u>		\$ <u>128⁰⁰/₁₀₀</u> DOLLARS
 North Fork Bank www.northforkbank.com			
MEMO	<u>Three Amigos Corp Change</u>		 MP
⑆02⑆4079⑆2⑆⑆2224⑆5098⑆⑆6⑆ 2081			

ABCZ CORP. 251 NORTH AVE NEW ROCHELLE, NY 10801		50-791/214 2224509816 DATE <u>5-23-07</u>	2079
PAY TO THE ORDER OF	<u>Mehler + Buscemi</u> <u>Three Thousand ⁰⁰/₁₀₀</u>		\$ <u>3000</u> DOLLARS
 North Fork Bank www.northforkbank.com			
MEMO	<u>Cheekah Corp Change</u>		 MP
⑆02⑆4079⑆2⑆⑆2224⑆5098⑆⑆6⑆ 2079			

SLA Form 180-021 (02/04) revised

Corporate change

**STATE OF NEW YORK
LIQUOR AUTHORITY****APPLICATION FOR APPROVAL
OF CORPORATE CHANGE**

This form is to be used by a corporate licensee to apply for permission to make a corporate change involving (1) change of officers or directors or, (2) where there are fewer than 10 stockholders, any change in stockholders or stockholdings, or (3) where there are 10 or more stockholders, any change involving 10% or more of the stock or any change in stockholdings which would increase the holdings of any one stockholder to 10% or more of the stock.

Each application must be accompanied by a CERTIFIED CHECK, BANK OFFICERS' CHECK, DRAFT, MONEY ORDER OR PERSONAL CHECK for the required fee, payable to the order of the State Liquor Authority, provided in Section 99-d of the Alcoholic Beverage Control Law as follows:

- > \$13 if the change is confined to a change of officers and/or directors;
- > Where the change is not confined to a change of officers and/or directors;
- > \$128 if the corporation holds any license from the State Liquor Authority for which an annual fee of \$500 or more is prescribed;
- > \$13 if the corporation holds no license from the State Liquor Authority for which the annual fee is \$500 or more.

Such change cannot become effective under the Alcoholic Beverage Control Law until permission has been granted by the State Liquor Authority. Therefore, it is recommended that any change be made conditional upon approval by the State Liquor Authority.

The following forms must also be included in the application:

1. PERSONAL QUESTIONNAIRE properly filled out for each of the new officers, directors or stockholders.
2. Signed copy of CONTRACT OF SALE OF STOCK, or statement is signed and verified by the transferee, setting forth full details of the transaction including consideration for such transfer.
3. STATEMENT OF FINANCES on Form 180-021B, signed by the person executing the application.
4. CERTIFICATE OF SERVICES on Form LB-33.

ALL QUESTIONS MUST BE ANSWERED IN BOXES BELOW. (If more space is needed, attach rider).
Any false answer or statements made by the applicant constitutes perjury and will subject any license issued hereunder to revocation.

The licensee named below hereby notifies the State Liquor Authority of a proposed change in its corporation, for which it requests the Authority's approval, and for which purpose it makes the following statements.

Full name of licensee Three Amigos SJL Inc.		Trade name or other designation Cheetahs Gentlemens Club & Rest		License number 1179036
Street address of licensed premises 252 W. 43rd Street		Post office address of premises (if different)		
City, town or village-Zip Code New York, New York 10036	County New York	City, town or village - Zip Code (if different)	Telephone Number 212-	

1. STOCKHOLDERS and STOCKHOLDINGS under the proposed change will be as follows: (Do not include retiring stockholders> If more than 10 stockholders, include only those who will hold 10% or more of the stock. Enter asterisk (*) to indicate changes.)

Change *	Name of Stockholder	Residence Address of Stockholder	Citizenship (Name of Country)	Shares of Stock	
				Common	Preferred
	Larry Gribler	12 Green Farms Road, Andover, NJ 07821	US	66 2/3 %	
*	Shirell Weisblat	1385 York Avenue, New York, NY	US	24 1/3 %	
*	Selim Zherka	251 North Avenue, New Rochelle, NY	US	8 %	
	Steve Asland	2900 Milton Place, Bronx, NY 10465	US	1%	

2. OFFICERS and DIRECTORS under the proposed change will be as follows: (Do not include retiring officers and directors. Enter an asterisk (*) to indicate changes.)

Change *	Names of Officers And Directors	Residence Addresses	Title (also specify if director)	Citizenship (Name of Country)	Age
	Larry Gribler	12 Green Farms Road, Andover, NJ 07821	President	US	61
	Shirell Weisblat	1385 York Avenue, New York, NY 10021	Secretary	US	39
*	Selim Zherka	251 North Avenue, New Rochelle, NY	Treasurer	US	39
	Steven Aslan	2900 Milton Place, Bronx, NY 10465	Manager	US	46

1. (a) Is any officer, director or stockholder interested directly or indirectly in any premises or business where any alcoholic beverage is manufactured or sold at wholesale or retail by stock ownership, interlocking directors, mortgage or lien on any personal or real property or by other means including loans?	Yes or No 3. (a) Yes	Name (b) West 20th Enterprises Corp
(b) If so, state name of each such person, address of the premises, nature of interest and date acquired.	Address 20 W. 20th Street, New York, New York 10010 Nature of Interest Selim Zherka Date Acquired 2002	

<p>4. (a) Has any of the new officers, directors or stockholders ever previously filed application for any license or permit under the Alcoholic Beverage Control Law of this state or country or of any other state or country, either as an individual, co-partner or officer, or officer, director or stockholder of a corporation?</p> <p>(b) If so, state name in which application was filed, address of the premises, the date thereof and the disposition. Give license number if license or permit was issued.</p> <p>(c) Has such license or permit ever been revoked, cancelled, suspended or otherwise involuntarily terminated or has any other penalty been imposed in connection therewith at any time?</p> <p>(d) If so, state what action was taken, and date thereof.</p>	<p>Yes or No</p> <p>4. (a) Yes</p> <p>Name of applicant</p> <p>(b) West 20th Enterprises Corp.</p> <p>Address of premises (Street, City, Town or Village, State or County)</p> <p>20 W. 20th Street, New York, NY 10010</p> <p>Date filed, Disposition, and License Number, if any</p> <p>2002 Granted Lic # 1133383</p> <p>Yes or No</p> <p>(c) No</p> <p>Action and date (Add Rider if more space is needed)</p> <p>(d) No</p>
<p>5. (a) Has any of the new officers, directors or stockholders ever been CONVICTED (including pleas of guilty or suspended sentences) of of any felony or of any other crime or offense of any kind except traffic infractions?</p> <p>(b) If so, state date of conviction and crime or offense involved. In each case a CERTIFICATE OF DISPOSITION or a CERTIFICATE OF CONVICTION by the Court Clerk must be attached.</p>	<p>Yes or No</p> <p>5. (a) NO</p> <p>Crime or Offense</p> <p>(b)</p> <p>Date</p> <p>Name of person convicted</p>
<p>6. (a) Are there any arrests, indictments or summonses (except for traffic infractions) PENDING against any of the new officers, directors or stockholders?</p> <p>(b) If so, state thereof, crime or offense involved and name of each defendant.</p>	<p>Yes or No</p> <p>6. (a) NO</p> <p>Crime or offense</p> <p>(b)</p> <p>Date</p> <p>Name of defendant</p>
<p>7. (a) Is any officer, director or stockholder a police commissioner or other police official or subordinate of any police department, sheriff, deputy or under sheriff, or any other police officer?</p> <p>(b) If so, state name and title of such person.</p>	<p>Yes or No</p> <p>7. (a) NO</p> <p>Name and Title</p> <p>(b)</p>
<p>8. (a) State whether any person other than those mentioned has any interest, financial proprietary or other, direct or indirect, in the premises or in the business to be licensed, or has made any loan to the applicant for said business or has any lien or mortgage on the fixtures in the business or shares or will share, on a percentage basis or in any way, in the receipts, losses or deficiencies of the business, to any extent whatsoever other than by fixed salary. <i>(The interests relinquished by retiring officers, directors or stockholders need not be set forth in answer to this question. Any interests retained by them, however, should be reported).</i></p> <p>(b) If so, set forth the names and addresses of such persons, the nature or percent or description of interest or share.</p>	<p>Yes or No</p> <p>8. (a) NO</p> <p>Name</p> <p>(b)</p> <p>Address</p> <p>Nature of Interest</p> <p>Date acquired</p>
<p>9. (a) Does licensee corporation now hold any license from the Liquor Authority for which the annual fee is \$500 or more?</p> <p>(b) State total number of licensed premises now operated by licensee in New York State. <i>(If more than one, attach list of such premises showing for each the license number, name, address and county.)</i></p> <p>(c) Is any stock transfer contemplated?</p>	<p>Yes or No</p> <p>9. (a) Yes</p> <p>Number of licensed premises</p> <p>(b) One</p> <p>Yes or No</p> <p>(c) N/A</p>

The licensee represents that there have been no changes other than those set forth herein, in any of the facts required to be set forth in the application for license, and agrees that any application filed by it or by any of its officers, directors or stockholders, for any license or permit under the Alcoholic Beverage Control Law, and the occupation record submitted herewith, shall be deemed and made a part hereof and considered by the Authority in acting upon this Request for Approval of Corporate Change.

Shirell S. Weisblat _____ certifies that he is Secretary (TITLE)

of the above named licensee corporation; that he knows the contents of the above application and the statements and answers therein; that the same are true of his own knowledge that he has been authorized by order of the Board of Directors of said corporation to make the statements and answers therein in behalf of said corporation with the same force and effort as if said corporation made such statements and answers itself.

Dated _____

(Signature of Currently Authorized Officer)

Selim Zherka _____ certifies that he is to be Treasure (TITLE)

of the above named licensee corporation; that he knows the contents of the above application and the statements and answers therein; that the same are true of his own knowledge.

Dated _____

(Signature of a Proposed Authorized Officer)

ATTORNEYS OR REPRESENTATIVE'S NOTICE
OF RETAINER AND APPEARANCE

(Where another attorney or representative was previously retained in the instant proceeding, use Notice of Substitution on reverse side.)

RE: Serial Number 1179036

Name of Applicant or Licensee Three Amigos SJL Inc.

Address of Premises 252 W. 43rd Street

New York, New York 10036

TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL:

PLEASE TAKE NOTICE that I have been retained and appear as attorney or representative for the party named above in the following proceeding before the Division of Alcoholic Beverage Control

CHECK (X)

☐ Application for license or permit ☐ Revocation proceeding

☒ Other (specify) _____

No other attorney or representative has previously been retained in connection with this proceeding.

☒ I am a member of the Bar of the State of New York in good standing.

☐ I am not a member of the Bar of the State of New York.

Please send a copy of all notices and communications in the above proceeding to me at the address given below:

Name Mehler & Buscemi, Esq.
(Please Print)

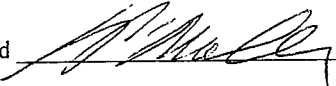
Address 305 Broadway, Suite 1102
New York, New York 10007

Telephone No. 212-962-4688

☐ A fee has or will be received for my services

☐ No fee or consideration will be received for my services

Date _____

Signed , Attorney

(over)

STATE OF NEW YORK
LIQUOR AUTHORITY

SLA Form LB 33 (revised 06/02)

CERTIFICATE OF SERVICES

1. The undersigned is an applicant for: ☐ Removal of License from
☐ License for premises located at 252 W. 43rd Street
☒ Corporate change for (Number) (Street)
☐

in the: ☒ city
☐ town of New York, New York, State of New York
☐ village

2. The undersigned certifies that in connection with the preparation, filing and subsequent handling of the said application, the undersigned has engaged the services of the following attorney(s) representative(s) or agent(s) to represent or assist him and that no one else has been engaged to represent or assist him. (The employment of photographers, surveyors or draftsmen need not be set forth.)

NAME	ADDRESS	PROFESSION OR BUSINESS	FEE BASIS
Mehler & Buscemi, Esqs.	305 Broadway, Suite 1102 New York, NY 10007	Attorneys	YES <input type="checkbox"/> NO <input type="checkbox"/>

TELEPHONE NO. 212-962-4688

(If the applicant has not been represented or assisted by any person it should be so stated)

3. The undersigned has made (no) (the following) arrangements for such representation or assistance upon a basis contingent upon the approval by the State Liquor Authority of this application. (List any compensation made or to be made pursuant to contingent arrangement.)

None

It is further certified that no money, property or other thing of value has been paid, given or promised by the undersigned or by any one else on behalf of the undersigned to (my) (our) (its) knowledge or at the request of the undersigned to any attorney, representative or agent, other than those enumerated in paragraph "2" hereof, for representing or assisting the undersigned in any capacity (other than photographer, surveyor or draftsman) in connection with the said application except as follows:

(IF NONE, SO STATE)

None

The undersigned further certifies that it is understood that this certificate is to be attached and made part of the said application and that in action thereon the Liquor Authority will rely upon the representations herein contained.

The undersigned understands that if there is any change with respect to any of the facts herein set forth, during the pendency of the application, such change must be reported to the Authority IMMEDIATELY by the undersigned and that if any change occurs after the issuance of the license applied for such change must be reported the Liquor Authority within ten (10) days of the date of such change. It is further understood that failure to give the requisite notice will constitute a violation of the Alcoholic Beverage Control Law and will result in proceedings to revoke, cancel or suspend such license.

If an Individual or Partnership, Sign here

If a Corporation, Sign here

Three Amigos SLL Inc.

(Corporation Name)

By

(Authorized Person)

(Applicant's Signature)

THE FOLLOWING CERTIFICATION MUST BE SIGNED AND DATED BY INDIVIDUAL OR PARTNERSHIP

The undersigned, each for himself, certifies that he is the applicant herein; that he has read the foregoing certification and knows the contents thereof; that the same is true of his own knowledge.

Dated _____

(Applicant's Signature)

THE FOLLOWING CERTIFICATION TO BE SIGNED AND DATED IF A CORPORATION

Shirell Weisblat certifies that he is the Secretary of the above named applicant corporation; that he has read the foregoing certification and knows the contents thereof; that the same is true of his own knowledge; that he has been authorized by the Board of Directors of said applicant corporation to make the statements and answers in this certification in behalf of said corporation with the same force and effect as if said corporation made such statements and answers itself.

Dated _____

(Signature of Authorized Officer)

SECTION M

PERSONAL QUESTIONNAIRE

- ♦ All principals to the license application must complete this questionnaire in full.
♦ Answer all questions below.

- ♦ Make duplicate blank forms as necessary.
♦ Attach additional sheets if more space is needed.

NAME OF APPLICANT: Three Amigos SJL Inc.

1. Statement of Identification

Print YOUR name: Selim Zherka		Date of birth: 3-13-68
Residence street address of above: 4 Hageman Ct		Social Security number: 058-66-1585
County: Westchester		E-mail address:
City, State, Zip: Katonah, NY 10536		Telephone number (residence): 914-243-0050
U.S. citizen? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	If NOT U.S. citizen - country of citizenship:	If Alien, registration # or Visa type:
List any other names that you have been known by (including maiden name): Sam		

Height <u>6' 3"</u>	Hair Color <u>Brown</u>	Marital Status <u>Married</u>
Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Eye color <u>Hazel</u>	Spouse Name <u>Carmela Zherka</u>
Weight <u>245</u>		Spouses Social Security #: <u>074-58-1658</u>

2. Residences for the past TEN years. (If more space is required, attach additional sheets):

Address	From (month/year)	To (month/year)
4 Hageman Ct., Katongh, NY 10536	12/94-	Present

3. Your occupation for the past TEN years. (If more space is required, attach additional sheets):

From/To (month/year)	Employer	Address	Type of Business	Position
2/90- Present	Self Employed	145 N.5th Avenue, Mt. Vernon, NY 10550	Real Estate	Investment
2002- Present		West 20th Street, New York, NY 10010	Cabaret	Owner

4. Position (or interest) you will hold in the license application (check each):

<input type="checkbox"/> President	<input checked="" type="checkbox"/> Director	<input checked="" type="checkbox"/> Manager
<input type="checkbox"/> Vice President	<input checked="" type="checkbox"/> Stockholder	<input type="checkbox"/> Lender
<input type="checkbox"/> Secretary	<input type="checkbox"/> Partner	<input type="checkbox"/> Donor (see page 6)
<input checked="" type="checkbox"/> Treasurer	<input type="checkbox"/> General Partner	<input type="checkbox"/> Guarantor (see page 6)
<input type="checkbox"/> Chairman	<input type="checkbox"/> Limited Partner	<input type="checkbox"/> LLC Manager
<input type="checkbox"/> Officer	<input type="checkbox"/> Sole Proprietor	<input type="checkbox"/> LLC Member
<input type="checkbox"/> OTHER _____		

5. LICENSE HISTORY / AFFILIATIONS

Section M

If you are an applicant (i.e.: proprietor, partner, stockholder, officer or director) or applicant's spouse, will you continue your present occupation or business?

☒ YES ☐ NO

If YES, list hours you will devote to business sought to be licensed:

As needed

Will you take an active part in the operation of the business to be licensed?

☒ YES ☐ NO

If YES, explain nature of activity (hours, day, week):

As needed

Do you have any interest, direct or indirect, in any premises currently licensed by the Liquor Authority or business where any alcoholic beverage is manufactured, transported or sold at wholesale or retail whether by stock ownership, interlocking directors, mortgage or lien on, or ownership of any real or personal property, or by any other means including loans?

☒ YES ☐ NO

If YES, provide information below:

Business Name	Business Address	Date Interest Began	Liquor License No.
West 20th Enterprises Corp.	20 W. 20th Street	NY NY 2002	1133383

Other than as itemized in the above, have you ever applied in New York State, or Anywhere for a license or permit to traffic in alcoholic beverages, including Any application as a partnership or corporation in which you are/were a principal?

☐ YES ☒ NO

If YES, provide information below:

Name of applicant	Address of premises	Date of filing	License No.	Disposition

Has a license or permit listed above been REVOKED, CANCELED Or otherwise Involuntarily Terminated?

☐ YES ☒ NO

If YES, state action and date of action, and give details:

Are you a police commissioner, other police official, subordinate of any police Department, a Sheriff, Deputy, Under-Sheriff or any Peace Officer?

☐ YES ☒ NO

If YES, provide details?

6. CONVICTION RECORD & PENDING CRIMINAL CASES

Section M

- (a) Have you or your spouse (or any officer, director, shareholder or partner listed in this application or the spouse of such person) been convicted of a crime addressed by the provisions of Section 126 of the ABC Law (see instructions for statutory disqualification) which would forbid a person to traffic in alcoholic beverages?

☐ YES☒ NO

If YES, supply details (attach additional pages as necessary):

- (b) Have you or your spouse (or any officer, director, shareholder or partner listed in this application or the spouse of such person) ever been **CONVICTED** (including pleas of guilty or suspended sentences of any felony, misdemeanor (including driving while intoxicated or impaired) or any other type of offense **EXCEPT MINOR TRAFFIC INFRACTIONS**?

☐ YES☒ NO

- (c) If YES, attach a **Certificate of Disposition** by the court clerk for each case And a **Certificate of Relief** from disabilities if available and submit an Affidavit explaining all details. If you have reported all convictions to this Authority and were subsequently approved for a license, check here:

Approved: _____

- (d) Are there any **ARRESTS, INDICTMENTS or SUMMONSES** other than minor traffic infractions **PENDING** against you or your spouse (or any officer, director, shareholder or partner listed in this application or the spouse of such person) – including driving while intoxicated or impaired?

☐ YES☒ NO

- (e) IF YES, PROVIDE COPY OF ACCUSATORY INSTRUMENT.

- (f) If you are an applicant (i.e. proprietor, partner, stockholder, officer or Director), would any of the above questions require a YES answer if asked of your spouse?

☐ YES☒ NO**7. INFORMATION CONCERNING AVAILABILITY OF PREMISES**

Explain how you became aware of the availability of the proposed premises.

8. FINANCES

Section M

IMPORTANT: Submit any and all records, documents and affidavits that you feel may assist you in explaining the source of monies you will provide the applicant as per instruction sheet.

State **TOTAL AMOUNT OF MONEY** you are providing the applicant: \$ 160,128.00

Type of Investment (Investment Loan, Contract Debt)	Type of Investment Dollar (\$) Amount	Source of Funds (Accounts, Loans, Gifts, Asset Sales, etc.) (enter identification numbers for accounts)
Investment	\$160,128.00	Business Acct# Northfolk Acct 2224509816


If you are guaranteed a loan as a co-signer or putting up something of value as collateral.

Identify Co-Signer or Collateral

Identify Loan/Describe Collateral

I understand that the information I submit will be relied upon by the State Liquor Authority and a false statement or misrepresentation will constitute cause for the disapproval of the application or revocation of any license for which this application is submitted.

I verify that statements made herein are true and if any change occurs prior to the receipt of the license, I will notify the Authority by registered or certified mail within 48 hours or if change occurs after the receipt of the license, I will notify the Authority similarly within 10 days. I understand that failure to give the required notice will violate the Alcoholic Beverage Control Law and may result in revocation of the license.


Signature of Applicant

5/30/07

Date

**STATEMENT OF FINANCES
FOR STOCK CORPORATE CHANGE**

State the total amount of money you are investing in the Purchase of the Stock.

TOTAL DOLLAR AMOUNT FOR STOCK PURCHASE: \$ 160,000.00

MISCELLEANOUS EXPENSES: \$ 128.00

TOTAL INVESTMENT: \$ 160,128.00

BREAKDOWN OF TOTAL FOR PURCHASE OF STOCK

Total Cash:	\$ <u>160,000.00</u>
Total Deferred:	\$ <u>0</u>

Explain Cash: Business Acct

Explain Deferred: _____

REAL PROPERTY PURCHASE IF APPLICABLE

Total Cash:	\$ _____
Total Deferred:	\$ _____

Explain Cash: _____

Explain Deferred: _____

NOTE: For the purpose of this form, CASH is defined as money that you have in your possession, you don't have to pay back, and is verifiable (example: stocks, bonds, CD's, savings accounts, etc.).

For the purpose of this form, DEFERRED is defined as money that you have to pay back at some point in time (example: loan, mortgage, line of credit, credit card, note, etc.).

1. Set forth the source of funds for this investment (accounts, loans, gifts, asset sales, etc.) and enter account numbers. (Provide documentation)
2. Set forth all repayment terms for any deferred monies. (Provide documentation)
3. Lease agreement if required.

LAW OFFICES OF
PAUL J. GIACOMO, JR.
THE CHRYSLER BUILDING
405 LEXINGTON AVENUE
37TH FLOOR
NEW YORK, NY 10174

PAUL J. GIACOMO, JR.
ROSARIO DEVITO*
*ADMITTED NY, NJ AND
U.S. PATENT AND TRADEMARK OFFICE

TEL (212) 486-0200
FAX (212) 867-5570

E-MAIL ADDRESSES:
pjpg@giacomolaw.com
rdv@giacomolaw.com
WEBSITE:
www.giacomolaw.com

June 4, 2007

VIA FACSIMILE AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Fax No.: (212) 964-0643

Marty Mehler, Esq.
Mehler & Buscemi
305 Broadway, Suite 1102
New York, New York 10007

Re: Larry Gribler and Three Amigos SJL Inc.

Dear Mr. Mehler:

This firm represents Mr. Larry Gribler, both individually and as the controlling shareholder of Three Amigos SJL Inc. (hereinafter "the Corporation"). We understand that your firm has been involved in obtaining the liquor license and the cabaret license for the Corporation. We are further informed that you may have received unauthorized instructions from Mr. Charlie Weisblat and/or Shirell Weisblat to add another individual onto the liquor license or the cabaret license. The individual that Mr. Weisblat seeks to have added has no ownership or other interest in the Corporation and is not an employee of the Corporation. This letter serves to put you and your firm on notice that neither Mr. Gribler nor the Corporation has authorized any change to be made to the licenses issued to the Corporation. Mr. Weisblat has no legal authority to act on behalf of the Corporation, as the Corporation is entirely controlled by Mr. Gribler.

We will hold you and your firm strictly liable for any damages which accrue from any unauthorized changes being made to the licenses of the Corporation. If your firm has taken any such action on behalf of the Corporation which effects any changes in its licenses, it is ordered to immediately cease and desist from such actions and immediately return the status of the licenses to those previously authorized by Mr. Gribler, without adding any new persons to the licenses.

Marty Mehler, Esq.
June 4, 2007
Page 2

Please contact the undersigned immediately upon your receipt of this letter to discuss the status of the licensing proceedings.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul J. Giacomo, Jr.", with a long horizontal flourish extending to the right.

Paul J. Giacomo, Jr.

PJG:pg

Cc: Mr. Larry Gribler

LAW OFFICES OF
PAUL J. GIACOMO, JR.
THE CHRYSLER BUILDING
405 LEXINGTON AVENUE
37TH FLOOR
NEW YORK, NY 10174

PAUL J. GIACOMO, JR.
ROSARIO DEVITO*
*ADMITTED NY, NJ AND
U.S. PATENT AND TRADEMARK OFFICE

TEL (212) 486-0200
FAX (212) 867-5570

E-MAIL ADDRESSES:
pjpg@giacomolaw.com
rdv@giacomolaw.com
WEBSITE:
www.giacomolaw.com

August 28, 2007

VIA FACSIMILE AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Fax No.: (212) 964-0643

Marty Mehler, Esq.
Mehler & Buscemi
305 Broadway, Suite 1102
New York, New York 10007

Re: Larry Gribler and Three Amigos SJL Inc.

Dear Mr. Mehler:

As you were previously informed in our letter to you of June 4, 2007, this firm represents Mr. Larry Gribler, both individually and as the controlling shareholder of Three Amigos SJL Inc. (hereinafter "the Corporation"). In the letter of June 4, 2007 (hereinafter "June Letter") we put your firm on notice that you may have received unauthorized instructions from Mr. Charlie Weisblat and/or Shirell Weisblat to add another individual onto the liquor license or the cabaret license of Three Amigos SJL Inc. You were further notified that the individual sought to be added to the licenses has no ownership or other interest in the Corporation and is not an employee of the Corporation. The June Letter put you and your firm on notice that neither Mr. Gribler nor the Corporation had authorized any change to be made to the licenses issued to the Corporation. The June Letter notified you that neither of the Weisblats had legal authority to act on behalf of the Corporation, as the Corporation is entirely controlled by Mr. Gribler. The June Letter further provided:

We will hold you and your firm strictly liable for any damages which accrue from any unauthorized changes being made to the licenses of the Corporation. If your firm has taken any such action on behalf of the Corporation which effects any changes in its licenses, it is ordered to immediately cease and desist from such actions and immediately return the status of the licenses to those previously authorized by Mr. Gribler, without adding any new persons to the licenses.

Marty Mehler, Esq.
August 28, 2007
Page 2

At the end of my June Letter to you, I asked that you communicate with me immediately concerning the status of the liquor license applications. To date I have received no communication from you or your firm whatsoever concerning your activities in this regard.

Now we have received Notice from the New York State Liquor Authority that your firm has made an attempt to change the Corporation's licenses to reflect an additional alleged owner (Selim Zherka) of the Corporation's stock. This directly contravenes the instructions you and your firm were given to cease and desist any actions concerning the Corporation's licensing. These actions by your firm constitute legal malpractice and breach of fiduciary duty for which our client intends to seek damages including all fees previously paid your firm and all legal fees and other expenditures that will be necessary to make appropriate changes to the Corporation's licenses.

Once again we give you notice that your firm is discharged from any representation of Three Amigos SJL Inc. in any capacity, but more specifically with respect to any actions before the New York State Liquor Authority.

Sincerely,



Paul J. Giacomo, Jr.

PJG:pg

Cc: Mr. Larry Gribler
New York State Liquor Authority

CERTIFIED MAIL™

LAW OFFICES OF

PAUL J. GIACOMO, JR.THE CHRYSLER BUILDING
405 LEXINGTON AVENUE

37TH FLOOR

NEW YORK, N.Y. 10174



7007 0220 0000 2992 7702

UNITED STATES POSTAGE
02 1P
PITNEY BOWES

\$ 005.210

0002674403 AUG 28 2007
MAILED FROM ZIP CODE 10174Marty Mehler, Esq.
Mehler & Buscemi
305 Broadway, Suite 1102
New York, New York 10007

1102

1000731141 0002

